

**Notice of Allowability**

Application No.

10/084,405

Applicant(s)

VISWANATHAN ET AL.

Examiner

Art Unit

Bao Q Truong

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 25 August 2004.
2. ☒ The allowed claim(s) is/are 1-2, 6-10, 14-16, 18-21, and 24-27 now renumbered as 1-18 respectively.
3. ☒ The drawings filed on 24 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20040915.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**NASSER MOAZZAMI**  
**PRIMARY EXAMINER**

  
09, 20/04

*Response to Amendment*

1. The examiner acknowledges the applicant's submission of Amendment for Application No. 10/084,405 dated on 25 August 2004. At this point, claims 5 and 13 have been cancelled; claims 1 and 9 have been amended; claims 20-27 have been added. There are 24 claims pending in the application; there are 6 independent claims and 18 dependent claims, all of which are ready for reconsideration by the examiner.

*Examiner's Amendment*

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Dane C. Butzer (Reg. No. 43,521) on 20 September 2004 at 9:15 am ET.

The application has been amended as follows: cancel claims 3-4, 11-12, and 22-23.

*Allowable Subject Matter*

3. Claims 1-2, 6-10, 14-16, 18-21, and 24-27 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable for the combination including the limitation of **"wherein said set of off-line markers includes a set of binary addresses."**

Claim 8 is allowable for the combination including the limitation of **“wherein the off-line marker bit associated with said disk is cleared allowing said disk to be active and enabled for read/write without reconstruction of data within said RAID subsystem.”**

Claim 9 is allowable for the combination including the limitation of **“wherein said set of off-line markers includes a set of binary addresses.”**

Claim 16 is allowable for the combination including the limitation of **“wherein the off-line marker bit associated with said disk is cleared allowing said disk to be active and enabled for read/write without reconstruction of data within said RAID subsystem.”**

Claim 20 is allowable for the combination including the limitation of **“wherein said set of off-line markers includes a set of binary addresses.”**

Claim 27 is allowable for the combination including the limitation of **“wherein the off-line marker bit associated with said disk is cleared allowing said disk to be active and enabled for read/write without reconstruction of data within said RAID subsystem.”**

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled **“Comments on Statement of Reasons for Allowance.”**

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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q Truong whose telephone number is (703) 308-7090. The examiner can normally be reached on Monday-Friday from 6:00 AM to 3:00 PM (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A Sparks, can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Bao Q Truong*

BT

Patent Examiner

20 September 2004

**NASSER MOAZZAMI  
PRIMARY EXAMINER**

*[Signature]*  
09/20/04

Donald Sparks

Supervisory Patent Examiner

Technology Center 2100